HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 6334 OF 2006

DATED: 5.6.2006

Between:

Mohd. Farooq

… Petitioner

and

Commissioner of Police,

Twin Cities of Hyderabad and Secunderabad,

Basheerbagh, Hyderabad and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.6334 OF 2006

ORAL ORDER:

The writ petition is filed complaining that the respondents, in particular the 3rd respondent is interfering with the possession of the petitioner and his principal over their property bearing No.18-8-211 admeasuring 533 square yards at Kanchanbagh, Riyasatnagar, Hyderabad.

The 3rd respondent has filed a counter affidavit stating that one Shaik Fareed, a resident of Physalbanda, Santoshnagar had lodged a complaint on 15.2.2006 with the answering respondents against the petitioner and others alleging that he is in possession of the premises since long time and that on the basis of certain status quo orders, certain persons including the petitioner are claiming the land as belonging to them and that on 14.2.2006 the petitioner and others forcibly trespassed into the land, threatened the complainant and his employees and therefore the complainant had requested necessary action be taken. According to the 3rd respondent, on the basis of the said complaint, Cr.No.31 of 2006 was registered alleging offences under Sections 506 and 447 of IPC on 15.2.2006 and investigation taken up. The counter affidavit of the 3rd respondent further states that Shaik Fareed had earlier lodged another complaint on 11.2.2006 complaining that some unknown persons had entered his premises and committed theft of certain specified material. This complaint was registered as Cr.No.29 of 2006 under Sections 457 and 380 of IPC. In the investigation, no evidence was forthcoming that there was a theft of articles and the case was therefore referred to as a mistake of fact and final report is yet to be filed. The counter affidavit categorically denies the allegation of the petitioner that the police are interfering with the properties of the petitioner and

his principal. It is stated that the properties are highly contentious and disputed properties and that in any event the respondents are not interfering.

In view of the averments in the counter affidavit which have not been rebutted, no case is made out for interference. The writ petition is dismissed. There shall be no order as to costs.

GODA RAGHURAM, J

Date: 5.6.2006

CVM